

**Notice of Allowability**

Application No.

09/788,593

Examiner

Christine Ng

Applicant(s)

SUZUKI, MASATOSHI

Art Unit

2663

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 27 October 2004.
2. ☒ The allowed claim(s) is/are 3, 6, 9, renumbered 1-3 respectively.
3. ☒ The drawings filed on 21 February 2001 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
  1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Eckhard Kuesters on March 4, 2005.

The application has been amended as follows:

a) In claim 3 between lines 16 and 17, insert:

-- "wherein the backup operating means in said node units inserts a first predetermined signal at the exit to lower-tier terminals where said sub-traffic communication path is set and inserts a second predetermined signal, which is different from said first predetermined signal, at the exit to lower-tier terminals where no sub-traffic communication path is set." --

b) Cancel claim 2.

c) In claim 6 between lines 15 and 16, insert:

-- "wherein said step of inserting a predetermined signal comprises:

a step of checking the protection transmission lines corresponding to the service transmission lines where a failure has been detected in said failure detection step for any sub-traffic communication path; and

a step of inserting a predetermined signal that, when a sub-traffic communication path is detected in said failure detection step, inserts a first

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predetermined signal at the exit of the sub-traffic communication path to lower-tier terminals, and when no sub-traffic communication path is detected in said failure detection step, inserts a second predetermined signal at the exit to lower-tier terminals substantially connected to said protection transmission lines." --

d) Cancel claim 5.

e) In claim 9 between lines 20 and 21, insert:

-- "wherein said control unit has:

a sub-traffic communication path detection means for checking the protection transmission lines corresponding to the service transmission lines where a failure has been detected in said failure detection step for any sub-traffic communication path; and

a predetermined signals insertion means for making the interface unit for lower-tier terminals that serves as the exit of the corresponding path to lower-tier terminals send a first predetermined signal to lower-tier terminals when a sub-traffic communication path is detected by said detection means, and for making the interface unit for lower-tier terminals that serves as the exit to lower-tier terminals substantially connected to said protection transmission lines send a second predetermined signal to lower-tier terminals when no sub-traffic communication path is detected." --

f) Cancel claim 8.

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**Conclusion**

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christine Ng whose telephone number is (571) 272-3124. The examiner can normally be reached on M-F; 8:00 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Ngo can be reached on (571) 272-3139. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

C. Ng c  
March 4, 2005

  
RICKY NGO  
PRIMARY EXAMINER

3/7/05